

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
DECEMBER 6, 2022
5:00 P.M.**

AGENDA

Location: City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point, California 92629

Next City Council Ordinance No. 22-04

REVISED SAFETY ALERT (EFFECTIVE AS OF MARCH 1, 2022)

AS COVID-19 RELATED RESTRICTIONS ARE UPDATED, THE PUBLIC WILL BE ALLOWED TO ATTEND COUNCIL MEETINGS PROVIDED SOCIAL DISTANCING GUIDELINES ARE FOLLOWED. THESE GUIDELINES WILL RESULT IN VERY LIMITED OPPORTUNITIES, ON A FIRST COME BASIS, FOR THE PUBLIC TO OBSERVE THE COUNCIL MEETING FROM THE COUNCIL CHAMBER AND ADJACENT FOYER. MEMBERS OF THE PUBLIC MAY CHOOSE TO PARTICIPATE ELECTRONICALLY BY WATCHING THE MEETING LIVE ON COX CABLE CHANNEL 855 OR VIA THE CITY'S YOUTUBE CHANNEL.

PUBLIC COMMENT: PUBLIC COMMENT MAY BE PROVIDED IN PERSON, ELECTRONICALLY, OR BY MAIL. CITY STAFF WILL BE COORDINATING ENTRY TO THE COUNCIL CHAMBERS DURING PUBLIC COMMENT AND MANAGING AVAILABLE SEATING CAPACITY THROUGHOUT THE MEETING. THEIR DIRECTIONS MUST BE FOLLOWED. ALTERNATIVELY, COMMENTS MAY BE SUBMITTED ON ANY AGENDA ITEM OR ON ANY ITEM NOT ON THE AGENDA IN WRITING VIA MAIL TO "CITY COUNCIL" 33282 GOLDEN LANTERN, DANA POINT, CA 92629 OR BY EMAIL TO COMMENT@DANAPOINT.ORG. TO BE CONSIDERED AS PART OF THE MEETING TO WHICH THIS AGENDA APPLIES AND PROVIDED TO CITY COUNCIL PRIOR TO THE MEETING, COMMENTS MUST BE RECEIVED NO LATER THAN 4:00 P.M. ON THE DAY OF THE MEETING. ALL COMMENTS, WHENEVER RECEIVED, WILL BE SHARED WITH THE CITY COUNCIL. EMAILS SHOULD INCLUDE "PUBLIC COMMENT", THE DATE OF THE MEETING IN THE SUBJECT LINE, AS WELL AS REFERENCE TO THE AGENDA ITEM NUMBER, IF APPLICABLE. MAILED COMMENTS SHOULD PROMINENTLY INCLUDE A SIMILAR REFERENCE AT THE TOP OF THE FIRST PAGE. MAILED AND EMAILED COMMENTS WILL NOT BE READ BY THE CITY CLERK DURING THE MEETING, BUT WILL BE INCLUDED IN THE RECORD.

CALL TO ORDER

ROLL CALL OF CITY COUNCIL MEMBERS:

Joseph L. Muller, Mayor
Mike Frost, Mayor Pro Tem

Jamey M. Federico, Council Member
Richard A. Viczorek, Council Member
Michael Villar, Council Member

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2), (2 cases)

RECESS OF CITY COUNCIL MEETING UNTIL 6:00 P.M.

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

READING OF ORDINANCE TITLES

At this time, the City Clerk will read the title(s) of the ordinance(s) listed on the agenda.

CONSENT CALENDAR

All matters listed under the Consent Calendar are considered to be routine and all will be enacted by one roll call vote. There will be no separate discussion of these items unless members of the City Council, the public, or staff request specific items be removed from the Consent Calendar for separate action.

1. WAIVE THE READING OF ORDINANCES AND APPROVE READING BY TITLE ONLY

RECOMMENDED ACTION: That the City Council approve the reading by title only of all ordinances and that further reading of such ordinances be waived.

2. [SPECIAL MEETING MINUTES, NOVEMBER 8, 2022](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [REGULAR MEETING MINUTES, NOVEMBER 15, 2022](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

4. [JOINT CITY COUNCIL AND PLANNING COMMISSION WORKSHOP MINUTES, NOVEMBER 16, 2022](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

5. **PLANNING COMMISSION MEETING MINUTES, OCTOBER 24, 2022**

RECOMMENDED ACTION: That the City Council approve the minutes.

6. **MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR**

RECOMMENDED ACTION: That the City Council receive and file.

7. **CLAIMS AND DEMANDS**

RECOMMENDED ACTION: That the City Council receive and file the Claims and Demands.

8. **TREASURER'S REPORT**

RECOMMENDED ACTION: That the City Council receive and file the Treasurer's Report for October 2022.

9. **POLICE SERVICES UPDATE**

RECOMMENDED ACTION: That the City Council receive and file the Police Services Update.

10. **STATE OF THE CITY SPONSORSHIP**

RECOMMENDED ACTION: That the City Council:

- 1) Approve the release of a Request for Sponsorship (RFS) for the 2023 State of the City event;
- 2) Authorize the City Manager or Assistant City Manager to evaluate submitted Request for Sponsorships and select sponsors;
- 3) Approve Sponsorship Agreement template, subject to such changes as may be approved by the City Manager and City Attorney; and
- 4) Authorize the City Manager to execute the Sponsorship Agreements.

11. **SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT FOR WILLDAN GROUP, INC.**

RECOMMENDED ACTION: That the City Council ratify the contract with Willdan Group, Inc. and authorize the City Manager to execute a second amendment to extend the agreement termination date to June 30, 2023, and to increase the contract amount.

12. **CONSULTANT SERVICES AGREEMENT WITH WESTLAND GROUP, INCORPORATED FOR TOPOGRAPHIC SURVEYING SERVICES FOR STONEHILL DRIVE**

RECOMMENDED ACTION: That the City Council:

- 1) Approve a Consultant Services Agreement with Westland Group, Incorporated for topographic surveying services for Stonehill Drive, and authorize the City Manager to sign that document on behalf of the City; and
- 2) Fund the work effort from the General Fund Unassigned Fund Balance as noted in the Fiscal Impact Section.

13. [ADOPTION BY REFERENCE THE CALIFORNIA CODES OF REGULATIONS TITLE 24, PARTS 1-12, KNOWN AND DESIGNATED AS THE 2022 EDITION OF THE CALIFORNIA BUILDING CODE, 2022 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, 2022 EDITION OF THE CALIFORNIA ELECTRICAL CODE, 2022 EDITION OF THE CALIFORNIA PLUMBING CODE, 2022 EDITION OF THE CALIFORNIA MECHANICAL CODE, 2022 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, 2022 EDITION OF THE CALIFORNIA REFERENCE STANDARDS CODE, 2022 EDITION OF THE CALIFORNIA ENERGY CODE, 2022 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2022 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, 2022 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE AND THE 2022 EDITION OF THE CALIFORNIA FIRE CODE, MAKING AMENDMENTS THERETO, AND RELATED ACTIONS.](#)

RECOMMENDED ACTION: That the City Council hold a second reading and adopt an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTERS 8.02, 8.03, 8.12, 8.14, 8.16, 8.20, 8.24, 8.26, 8.28, 8.30, 8.32, 8.34, 8.36 AND 8.38 OF TITLE 8 OF THE DANA POINT MUNICIPAL CODE ADOPTING BY REFERENCE THE CALIFORNIA CODES OF REGULATIONS TITLE 24, PARTS 1-12, KNOWN AND DESIGNATED AS THE 2022 EDITION OF THE CALIFORNIA BUILDING CODE, 2022 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, 2022 EDITION OF THE CALIFORNIA ELECTRICAL CODE, 2022 EDITION OF THE CALIFORNIA PLUMBING CODE, 2022 EDITION OF THE CALIFORNIA MECHANICAL CODE, 2022 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, 2022 EDITION OF THE CALIFORNIA REFERENCE STANDARDS CODE, 2022 EDITION OF THE CALIFORNIA ENERGY CODE, 2022 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2022 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, 2022 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE AND THE 2022 EDITION OF THE CALIFORNIA FIRE CODE, MAKING AMENDMENTS THERETO, AND RELATED ACTIONS.

PUBLIC COMMENTS

Any person wishing to address the City Council during the Public Comments section or on an Agenda item is asked to complete a "Request to Speak" form available on the table at the side of the Council Chamber. The completed form is to be submitted to the City Clerk prior to the Agenda item being called by the Mayor and prior to the individual being heard by the City Council.

In order to conduct a timely meeting, there will be a three-minute time limit per person and an overall time limit of thirty minutes for this Public Comments portion of the agenda. At the Mayor's discretion, the balance of public comments will be heard after the New Business portion of the agenda. All comments are to be directed to the City Council and shall not consist of any personal attacks. Members of the public are expected to maintain a professional, courteous decorum during their comments. State law prohibits the City Council from taking action on a specific item unless it appears on the posted Agenda.

If anyone has handouts to distribute to the City Council, please follow proper procedure and hand them to the City Clerk. The City Clerk will see that they are distributed.

PUBLIC HEARINGS

UNFINISHED BUSINESS

NEW BUSINESS

14. [SISTER CITIES FRIENDSHIP AGREEMENT WITH SORRENTO, ITALY](#)

RECOMMENDED ACTION: That the City Council:

- 1) Approve and establish a Friendship Agreement with the City of Sorrento, Italy;
- 2) Authorize the Mayor to execute the Memorandum of Agreement and any other ceremonial documents;
- 3) Adopt a Resolution of Intention entitled:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA APPROVING A FRIENDSHIP AGREEMENT AND DECLARING ITS INTENT TO FORM A SISTER CITY RELATIONSHIP WITH SORRENTO, ITALY; and

- 4) Authorize Staff to work with Dana Point Sister Cities International to build a city-to-city relationship with Sorrento, Italy.

RECOGNITION OF OUTGOING CITY COUNCIL MEMBER

- Presentation to Richard A. Viczorek

RECOGNITION OF OUTGOING MAYOR/CITY COUNCIL MEMBER

- Presentation to Joseph L. Muller

SWEARING IN OF NEWLY ELECTED CITY COUNCIL MEMBERS

OATH OF OFFICE TO BE ADMINISTERED TO:

- John Gabbard

- Matthew Pagano
- Jamey M. Federico

CITY COUNCIL REORGANIZATION

A. COUNCIL REORGANIZATION

PUBLIC COMMENTS (Continued)

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

The City Council may discuss, act upon or seek consensus on matters described under Council Reports only if: they are agendized with a complete written report included; or, if an item arose subsequent to the posting of the agenda and the Council determines that an emergency exists. Non-agendized items may be presented as informational only.

STAFF REPORTS

(City Manager Michael Killebrew)

(City Attorney Patrick Muñoz)

ADJOURNMENT

The next Regular Meeting of the City Council will be January 17, 2023, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

CERTIFICATION

I, Shayna Sharke, City Clerk of the City of Dana Point, do hereby certify that a copy of the foregoing Agenda was posted at Dana Point City Hall, the Dana Point Post Office, and the Capistrano Beach Post Office, and Dana Point Library by Friday, December 2, 2022, at 4:30 p.m.


SHAYNA SHARKE, CITY CLERK

12/1/2022
DATE

Subscriptions to receive City Council Agendas on a regular basis are available through the City Clerk's Office. Agendas are also available on the City's website at www.danapoint.org. In addition, Agenda related materials (including materials, if any, provided to the City Council after the Agenda was posted) may be reviewed in the office of the City Clerk during regular business hours or on the website at www.danapoint.org.

PURSUANT TO THE AMERICANS WITH DISABILITIES ACT, PERSONS WITH A DISABILITY WHO REQUIRE A DISABILITY-RELATED MODIFICATION OR ACCOMMODATION IN ORDER TO PARTICIPATE IN A MEETING, INCLUDING AUXILIARY AIDS OR SERVICES, MAY REQUEST SUCH

MODIFICATION OR ACCOMMODATION FROM THE CITY CLERK AT (949) 248-3500 (TELEPHONE) OR (949) 248-9920 (FACSIMILE). NOTIFICATION 48 HOURS PRIOR TO THE MEETING WILL ENABLE THE CITY TO MAKE REASONABLE ARRANGEMENTS TO ASSURE ACCESSIBILITY TO THE MEETING.